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REMARKS

In response to the Office Action mailed on June 9, 2008, Applicants respectfully request reconsideration. Claims 1, 5-21, 25-41, 45-60, 81, 85-98 are now pending in this Application. Claims 1, 21, 41 and 81 are independent claims and the remaining claims are dependent claims. In this Amendment, claims 1, 5, 18, 21, 25, 38, 41, 45, 58, 81, 85 and 96 have been amended and claims 2- 4, 22- 24, 42- 44, 61-80 and 82- 84 have been cancelled. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

1. Rejection of Originally Submitted Claims under 35 U.S.C. §112

Claims 1, 21, 41, 61 and 81 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In light of the amendments to claims 1, 21, 41 and 61, Applicants request withdrawal of the rejection. With regard to claim 81, no amendment has been made to overcome this rejection because claim 81 recites the word “assessing,” while the Examiner supports the rejection of claim 81 as though it recites the word “accessing”. Since the rejection of claim 81 is based on a misreading of the claim by the Examiner, Applicants request withdrawal of the rejection of claim 81.

2. Rejection of Originally Submitted Claims under 35 U.S.C. §101

Claims 61-80 have been rejected under 35 U.S.C. §101 because the Examiner asserts that the claimed invention is directed to non-statutory subject matter. In light of the cancellation of claims 61-80, Applicants request withdrawal of this rejection.

3. Rejection of Originally Submitted Claims under 35 U.S.C. §102(b)

Claims 1-98 have been rejected under 35 U.S.C. §102(b) as being anticipated by Carter et al., U.S. Patent Pub. No. 2003/0051026. However,

Applicants submit that Carter fails as an anticipatory reference with regard to independent claims 1, 21, 41 and 81 that have been amended to recite limitations from original dependent claims 2, 3, and 4.

Specifically, Carter fails to teach **a time parameter which defines the passage of time...faster than the actual passage of time**, as recited in amended independent claims 1, 21, 41 and 81. Instead, Carter relies on a scheduling approach that conducts time management of processor units in accordance with a real-time scheduler scheme that supports both real-time and time-sharing applications. (See ¶310) Since Carter's processor units are scheduled in real-time, the scheduling approach does not **define the passage of time as faster than the actual passage of time**. If Carter taught such aspects, then Carter's scheduling approach could not be described as "real-time" because anything expressed in real-time is not based on a **passage of time that is faster than the actual passage of time**.

Thus, Carter fails as an anticipatory reference with regard to the amended independent claims, from which all other claims depend. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(b) is requested.

If this rejection is to be maintained, Applicant respectfully requests that it be pointed out with particularity where the cited prior art discloses **a time parameter which defines the passage of time...faster than the actual passage of time**, as recited in amended independent claims 1, 21, 41 and 81

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In view of the above, the Examiner's rejections are believed to have been overcome, placing the pending claims in condition for allowance and reconsideration and allowance thereof is respectfully requested.

Applicant(s) hereby petition(s) for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

/RVF/

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